

REMARKS

1. *Provisional Election*

This responds to the Restriction Requirement mailed on July 1, 2005, in which the Examiner has restricted the claims to one of the following groups under 35 U.S.C. 121:

- I. Claims 1-36 and 55-79, drawn to a method, classified in class 705, subclass 21.
- II. Claims 37-54, drawn to a content provider, classified in class 705, subclass 7.

Applicants provisionally elect, with traverse, Group I, claims 1-36 and 55-79, for immediate prosecution. Applicants' grounds for traversing the Restriction Requirement are set forth in detail below.

2. *Grounds for Traversal*

The Office Action's basis for restriction states:

Inventions I, II, and III [sic] are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable or use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions modes of operations.

(Office Action at 2.) In citing MPEP §§ 806.04 and 808.01, the Office Action appears to be taking the position that the groups are completely independent. (See MPEP §§ 806.04 and 808.01.) The MPEP notes the rarity of this situation:

Where the inventions claimed are independent, i.e., where they are not connected in design, operation, or effect under the disclosure of the particular application under consideration (MPEP § 806.04), *the facts relied on for this conclusion are in essence the reasons for insisting upon restriction*. This situation, except for species, is rarely presented, since persons will seldom file an application containing disclosures of independent things.

(MPEP § 808.01.) However, the present Office Action has set forth no such facts, as expressly required by the relied-upon section of the MPEP. Instead, the Office Action apparently merely recites an unfounded conclusion, that the inventions are unrelated as having different modes of operations. Applicants respectfully submit that this conclusion is incorrect, as can be seen by comparing independent method claim 1 with independent apparatus claim 37

- Claim 1 includes mapping first content to concept nodes of a content provider hosted by a first entity. Claim 37 includes first concept nodes and first content mapped to first concept nodes.
- Claim 1 includes initiating a user session with the first content provider and receiving a user query pertaining to the user's needs. Claim 37 includes a user interface to receive a user query pertaining to the user's needs.
- Claim 1 includes confirming a concept node relevant to the user's needs, the confirmed concept node including a calling link to a second content provider hosted by an independently managed second entity, and calling the second content provider. Claim 37 includes a communication interface to an independently managed second entity, the communication including a calling link associated with a concept node.

Aside from differing in being a method and apparatus claim, respectively, Applicants respectfully submit that independent claims 1 and 37, while different, cannot objectively be viewed as being completely unrelated or as having completely different modes of operation. Indeed, Applicants respectfully submit that independent claims 1 and 37 are similar enough that there is no serious burden on the Patent Office to search and examine both Groups 1 and 2 together.

In sum, Applicants respectfully request reconsideration of the restriction requirement, and examination of all of pending claims 1-79.

CONCLUSION

The Examiner is invited to telephone Applicants' attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date July 29, 2005 By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 29 day of July, 2005.

KATE GANNON
Name


Signature